FILED
JUL 14 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Luis Alberto RODRIGUEZ-Gasca (1)
Christyan Duarte MORENO (2)
Defendant.

Magistrate Case No.: '08 MJ 8641

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 13, 2008, within the Southern District of California, defendants Luis Alberto RODRIGUEZ-Gasca and Christyan Duarte MORENO did knowingly and intentionally import approximately 43.46 kilograms (95.61 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rudy Garcia, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 14th DAY OF July 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Luis Alberto RODRIGUEZ-Gasca (1)
Christyan Duarte MORENO (2)

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent Rudy Garcia.

On July 13, 2008, at approximately 1230 hours, Luis Alberto RODRIGUEZ-Gasca and Christyan Duarte MORENO attempted to enter the United States from the Republic of Mexico at the Calexico, CA West Port of Entry. RODRIGUEZ was the driver and MORENO was the passenger of a 2005 Ford Lobo truck with Baja California, Mexico license plate AM05532.

RODRIGUEZ presented his Mexican border crossing card/visa and MORENO presented his U.S. passport to Customs and Border Protection Officer (CBPO) O. Soto. RODRIGUEZ gave a negative declaration and stated they were going to Calexico. CBPO O. Soto referred the vehicle to secondary inspection.

In vehicle secondary, CBPO F. Cortes received a negative declaration from RODRIGUEZ. RODRIGUEZ stated to CBPO F. Cortes that the vehicle was his and had recently purchased the vehicle. CBPO F. Cortes inspected the rear of the vehicle and noted that the gas tank sounded hard when he tapped it. CBPO F. Cortes also observed tool marks on the gas tank straps and one fuel hose that was disconnected.

Customs Enforcement Office R. Navarro conducted a canine examination of the vehicle with his human/narcotic detection dog. The canine alerted to the gas tank area of the vehicle.

A subsequent inspection of the vehicle revealed 38 packages concealed inside the fuel tank. One of the packages was probed and it field-tested positive for marijuana. The 38 packages had a combined net weight of approximately 43.46 kilograms (95.61 pounds) of marijuana.

RODRIGUEZ was placed under arrest and advised of his Miranda Rights, which he acknowledged and waived. RODRIGUEZ admitted knowledge of the marijuana and stated he was to be paid $1,000.00 by MORENO to drive the vehicle into Calexico.